

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
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	:	
Plaintiffs,	:	
	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-cv-2989-AT
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	
	:	

ORDER

The Coalition for Good Governance seeks an order directing the Cherokee County Board of Registration and Elections, by and through their Elections Director Kim Stancil, to permit the completion of the inspection and testing previously commenced¹ of the Cherokee County Board's ballot scanning-related voting system equipment and functions. Counsel for the Coalition Plaintiffs and the Cherokee County Board of Elections submitted a discovery dispute statement to the Court regarding this dispute on October 16, 2020. The Coalition Plaintiffs maintain that the information sought is time sensitive and essential in light of the Court's Order of October 11, 2020 (Doc. 964 at 141). Counsel for the Cherokee County Board of Elections has properly raised concerns regarding the burdens imposed on the Board in connection with the request as presented, especially due to the demands of the ongoing election on the elections staff.

¹ The production and inspection is being conducted pursuant to a subpoena to permit inspection and information on premises issued and served in connection with the instant case.

The Court conducted an emergency discovery conference with counsel late in the afternoon on this date. After due consideration of the factual issues, parties' respective interests, and Cherokee County's particular asserted burdens in connection with any extended inspection at this specific time, the Court finds that an appropriate accommodation of all parties' interests can be reached based upon the following inspection terms:

1. The Court authorizes Plaintiffs to proceed with an inspection not to exceed 2 hours. The timing of the 2-hour period shall commence once Plaintiffs' expert is permitted to commence his work with the equipment at issue.²
2. Counsel for Cherokee County shall advise the Coalition Plaintiffs' counsel no later than 11:00am on October 19, 2020 of the two-hour span that is viable for the Cherokee County Board of Elections. This two-hour time span may commence prior to the start of early voting or in the evening after early voting concludes, or any time during normal work hours. Further, a time can be selected for the conclusion of this inspection by the County at any two-hour slot between this Saturday, October 17, 2020 and next Saturday October 24, 2020, provided Counsel for Cherokee County provides reasonable notice of the time and date to the Coalition Plaintiffs' counsel to allow the Coalition Plaintiffs' inspection team to make arrangements to be present on a timely basis. In the event the Cherokee County Board of Elections determines that it prefers the inspection to be concluded this weekend or Monday, October 19th, its counsel shall call, text, email

² In other words, the 2-hour time period will not be considered to include initial introductions or physical arrangements for Plaintiffs' team's situation in the office or prior to County personnel making the scanner equipment and any other requisite equipment fully available to the Coalition Plaintiffs' inspection team. Similarly, the Coalition Plaintiffs' team must be observant of their time and promptly be prepared to end their work when the two-hour time frame for inspection elapses.

Coalition Plaintiffs' counsel promptly this weekend and in time for Plaintiffs' counsel to arrange for the inspection to occur. To ensure no misunderstanding, the inspection, if arranged for this weekend, shall not commence prior to 1 PM.

3. Plaintiff Coalition for Good Governance shall be responsible for the payment of the hourly rate and overtime paid to the Cherokee County employee or contractor responsible for making the subject property available for the inspection.

4. If the Coalition Plaintiffs are unable to complete the inspection in time to submit an informed filing in connection with the Court's Order of October 11, 2020, the Plaintiffs are authorized to move for an appropriate extension of time.

IT IS SO ORDERED this 16th day of October, 2020.



Amy Totenberg
United States District Judge